

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

GORDON J. COBURN and
STEVEN SCHWARTZ,

Defendants.

Crim. No. 19-120 (KM)

**NOTICE OF INTENT TO CONTEST THE
AUTHENTICITY, CHAIN OF CUSTODY,
OR SCIENTIFIC ANALYSIS OF
GOVERNMENT'S EXHIBITS**

Hon. Kevin McNulty

PLEASE TAKE NOTICE that, pursuant to paragraph 1(c) of the Trial Scheduling Order entered April 13, 2023 in this matter, ECF No. 465, Defendants Gordon Coburn and Steven Schwartz, by and through their undersigned counsel, hereby provide notice that they contest, and/or reserve the right to contest, the authenticity, chain of custody, or scientific analysis of the following Government exhibits for the reasons set forth below. Defendants also reserve all rights to make additional and/or further objections to the Government's exhibits, and to contest any exhibits that the Government has not yet identified and included on its preliminary exhibit list.

1. GX 8. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

2. GX 9. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

3. GX 14. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

4. GX 15. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

5. GX 16. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

6. GX 18. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

7. GX 19. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

8. GX 23. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it appears to be incomplete and that it appears to contain foreign documents that are not self-authenticating.

9. GX 24. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

10. GX 26. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

11. GX 52. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

12. GX 54. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

13. GX 61. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it appears to be incomplete.

14. GX 70. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

15. GX 71. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

16. GX 85. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

17. GX 94. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

18. GX 105. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created and because it is not clear whether it is complete and accurate.

19. GX 111. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created and because it is not clear whether it is complete and accurate.

20. GX 112. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

21. GX 115. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

22. GX 127. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

23. GX 128. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

24. GX 138. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

25. GX 140. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

26. GX 141. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

27. GX 142. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

28. GX 145. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

29. GX 146. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

30. GX 150. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

31. GX 153. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

32. GX 155. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

33. GX 160. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

34. GX 161. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

35. GX 162. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it appears to be incomplete.

36. GX 163. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

37. GX 167. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

38. GX 168. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

39. GX 169. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

40. GX 171. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

41. GX 172. Defendants respectfully contest, and/or reserve their right to contest, the authenticity of this exhibit, including, but not limited to, on the basis that it appears to contain foreign documents that are not self-authenticating.

42. GX 200. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed, and because it is not clear whether it is complete.

43. GX 201. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed and because it is not clear whether it is complete.

44. GX 202. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear whether it is complete.

45. GX 220. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed, and because it is not clear whether it is complete and what has been redacted.

46. GX 229. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

47. GX 230. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

48. GX 232. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate; also, while the exhibit is described on the Government's exhibit list as "Tandberg Data," portions of the corresponding documents appear to contain emails rather than such data.

49. GX 233. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it

is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

50. GX 234. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed and because it is not clear whether it is complete.

51. GX 235. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed and because it is not clear whether it is complete.

52. GX 237. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, processed, and formatted and because it is not clear whether it is complete and accurate.

53. GX 238. Defendants respectfully contest, and/or reserve their right to contest, the authenticity and chain of custody of this exhibit, including, but not limited to, on the basis that it is not clear how it was created, collected, and processed, and because it is not clear whether it is complete.

I hereby certify that each of the aforesaid challenges set forth above are made in good faith.

Dated: July 10, 2023

Respectfully submitted,

/s/ Justin D. Lerer

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